Fitness Center Services Guidance for Customers

PURPOSE:

This document outlines the role of customer agencies and GSA in establishing, operating and maintaining fitness center services in GSA-controlled buildings. Federal agencies have the authority to provide health and wellness programs for the benefit of their employees in accordance with the policies and guidance listed below. Contractors may not use an agency financed and operated fitness center.

GSA does not determine building need or fitness center requirements, unless participating as a member of a building fitness center committee. When agencies choose to provide fitness center services, GSA's role is to either assist a single agency in the build-out of a fitness center or to assist the agencies within a building to establish a fitness center for joint use.

AUTHORITY:

Authority to establish and operate physical fitness programs and facilities designed to promote and maintain federal employee health:

- 5 U.S.C. § 7901. Health Service Programs
- Comptroller General Decision B-240371 (dated January 18, 1991), noting exception to 5 U.S.C. § 5946.

http://redbook.gao.gov/12/fl0056118.php

 GSA Pricing Desk Guide (4th edition). For leased space, see Chapter 2, Section 2.16, for pricing standards for joint use space. For federally owned space, see Chapter 3, Section 3.17, for pricing standards for joint use space.

http://www.gsa.gov/graphics/pbs/PDG 4th Ed.pdf

OPM Healthier Feds Handbook

 $\underline{http://www.opm.gov/policy-data-oversight/worklife/reference-materials/employee-health-services-handbook/\#url=Introduction$

 41 CFR 102-79. Elements Federal Agencies must address when establishing fitness programs

 $\frac{\text{http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr\&SID=57dcc9f30d57596d44169d422e30857d\&rgn=div8\&view=text\&node=41:3.1.1.3.27.2.496.5\&idno=41}{\text{no}=41}$

ESTABLISHMENT:

Once an agency establishes a need for a fitness center, a tenant led fitness center committee (Committee) should be established and a chairperson designated. The Committee should consist of persons from each participating agency in the building that has the authority to represent the agency in negotiations that may have a financial impact on said agency. A Memorandum of Agreement (MOA) should be developed between participating agencies to detail and assign responsibilities as described below in the Operation section of this document. The Committee should then present the MOA to their respective managers who have signature authority for final execution. Requirements, planning and design of new fitness centers should be coordinated with the appropriate GSA regional representative.

The size and scope of the fitness center services should be based on the willingness and ability of the participating agencies to pay for the space, equipment, contractor support and ongoing operational expenses. Federal Occupational Health (FOH) fitness experts can perform comprehensive analyses to assist agencies in assessing whether proposed Fitness Center space will be adequate for projected population needs. Once space has been designated, FOH can develop exercise program and equipment space plans that consider participant flow and equipment utilization. FOH can also offer assistance to groups of agencies that want to create a single Fitness Center for multiple agency participants.

At a minimum fitness centers must include the requirements outlined in Table 1 but it is highly recommended that fitness centers utilize a contracted fitness management company to operate the facility and ensure compliance with this policy.

The Rent For This Space is charged to all federal tenants in the building, facility, or designated community directly in proportion to each agency's percentage of federal occupancy. The Joint Use Rent charge is comprised of shell rent, operating rent (which includes utilities and standard custodial costs), and amortized tenant improvements. Fitness centers are typically designated as joint use space and the rent charges are reflected in the Joint Use Charges line of the rent bill. Joint use charges apply whether or not employees of the

tenant agencies elect to use the joint use amenity. If a fitness center is for the exclusive use (assigned fitness center space) of a single tenant agency, then the Joint Use Rent is passed entirely onto that tenant agency as its' assigned usable space.

Other Services Charges, such as contracted fitness center management, exercise classes, towel or water services, and above standard custodial duties (see attachment 1) are the responsibility of individual members through dues, or are allocated to each agency having access to the fitness center. The funding for "Other Services" is determined by the MOA agreed upon by the Fitness Center Committee.

OPERATION:

Table 1: All fitness centers operating in GSA-controlled buildings must meet the following requirements:

Requirement	Who Is Responsible	Funding Source
Have controlled and secure access at the point of entry to fitness center services. Limiting fitness center access to those who have building access is not sufficient. Contractors may not use an agency financed and operated fitness center.	Unmanaged-GSA (i.e. Key card control or combination pad installed) Managed- Fitness Contractor (i.e. front desk personnel checking participants into the facility)	RWA Funded through Fitness Contract
Post signage advising participants that "All Fitness Center Activities Are At Your Own Risk. GSA assumes no liability for accidents or thefts that may occur in fitness center space."	Unmanaged-GSA Managed-Fitness Contractor	Negligible Costs Funded through Fitness Contract
Provide a telephone or another emergency calling system adjacent to physical activity areas	GSA	RWA
Use informed consent statements to advise of the benefits and risks of participation, screenings, evaluations and fitness testing, and physical activity. Examples can be found at http://insite.gsa.gov/portal/category/51	Unmanaged-Fitness Center Committee Managed- Fitness Contractor	Minimal cost but process is managed by Fitness Center Committee Funded through Fitness Contract
9102 Post or distribute fitness facility rules	Unmanaged-Fitness Center	Minimal cost but process is managed
and regulations to participants.	Committee Managed-Fitness Contractor	by Fitness Center Committee Funded through Fitness Contract
Post manufacturers' instructions for all equipment.	Unmanaged-Fitness Center Committee	Minimal cost but process is managed by Fitness Center Committee
	Managed-Fitness Contractor	Funded through Fitness Contract
Provide a fitness facility orientation and review manufacturers' written instructions on how to safely use the facility and equipment	Unmanaged-Fitness Center Committee	Minimal cost but process is managed by Fitness Center Committee
	Managed-Fitness Contractor	Funded through Fitness Contract
Post warning signs that identify dangerous physical symptoms to watch for during exercise (for example, nausea, dizziness, and pain in chest) and relevant risks associated with use of specific equipment.	Unmanaged-Fitness Center Committee Managed-Fitness Contractor	Minimal cost but process is managed by Fitness Center Committee Funded through Fitness Contract
Maintain an equipment inventory. Ensure and document ongoing inspection, maintenance, and repair of the fitness facility and equipment, and remove any broken or unsafe	Unmanaged- Fitness Center Committee or whomever owns the equipment.	Process and costs funded by agency who owns the equipment or by the Fitness Center Committee (as outlined in the MOA) if all agencies contributed to purchase of equipment.

Requirement	Who Is Responsible	Funding Source
equipment in accordance with GSA Excess/Disposal Property Process	ManagedFitness Contractor	Funded through Fitness Contract except for excessing old equipment, which is responsibility of whoever owns equipment.

For further information on health and fitness facility standards, please see the following links:

- The American College of Sports Medicine: http://www.acsm.org/docs/current-comments/exerciseinhealthclubs.pdf
- 2. The OPM Guidance on How to Design an On-site Federal Fitness Facility and How to Reduce the Chances of Injury at an On-site Federal Fitness Facility:

 http://www.opm.gov/employment_and_benefits/worklife/officialdocuments/handbooksguides/employeehandbook/chapter2/index.asp

EQUIPMENT PURCHASE AND MAINTENANCE:

The purchase of equipment is the responsibility of the participating agencies and should be addressed as part of the fitness center MOA and is **not included** in the GSA Joint Use Charges. Equipment may be acquired through individual agency procurements or through an employee association. The use of Federal Supply Schedules to purchase equipment specifically designed for commercial use is strongly recommended. Commercial Use equipment also is available for lease or may be listed on the government surplus list. Equipment maintenance should be addressed by the fitness center committee and in the MOA, including establishing a maintenance schedule for commercial equipment and procedures for maintaining equipment through a warranty or an equipment maintenance contract. Whoever owns the equipment is responsible for maintenance and it is highly recommended that a record or log is maintained documenting that equipment is being maintained.

LIABILITY RISKS ASSOCIATED WITH PHYSICAL FITNESS PROGRAMS:

Providing health and fitness activities for its employees is not without risk to an agency, contractors or employee organizations responsible for providing the physical fitness programs, fitness equipment vendors, and private health clubs. Although many accidents can be prevented through adequate supervision, staff training, appropriate screening procedures, and proper facility and equipment maintenance, an employee may still sustain personal injury. Depending on the particular facts and circumstances, an employee injured while engaging in physical fitness activities may bring claims against the United States under the Federal Employees' Compensation Act and the Federal Tort Claims Act and against non-federal groups for personal injury. When contracting with non-federal groups, agencies should require that the vendor carry general liability insurance.

Agencies also are encouraged to use waivers and informed consent forms for participation in agency sponsored fitness facilities or events. Although these waivers and informed consent forms generally will not absolve an agency from liability for its own negligence, they are useful in outlining the terms and conditions for using the facilities or participating in the events, informing the participant of the risks, and limiting liability exposure. Agencies are strongly encouraged to consult with their Office of General Counsel to determine the need for a waiver or other informed consent form and to make sure that the waiver or form conforms to all applicable laws.

Table 2: Four potential operational scenarios for joint use space fitness centers

Operational Scenario	(a) Equipment Purchase (b) and Maintenance	(a) Staffing (b) Access Control	(a) Custodial (b) Membership Fees
Managed by Federal Occupational Health (FOH)	 (a) Assists agencies in designing and procuring the correct types and amount of equipment and provide resources to maintain equipment. (b) These services are provided by FOH for a fee. For more information see www.foh.hhs.gov 	 (a) Provide highly qualified, fully certified staff for group fitness classes, instruction on equipment usage and front desk access control to ensure only authorized users access the fitness center. (b) Provide and manage liability waivers and membership applications. 	 (a) Provide above standard cleaning services such as floor to ceiling mirrors, shower curtains, shower gel and equipment as part of the agreement maintained with fitness contractor. (b) FOH can collect employee membership dues however they must either operate using 100% tenant agency funds or 100% employee membership dues but not both. FOH is reimbursed for staffing and management by the tenant agencies using the fitness center.
Managed by Fitness Center Committee or an Employee Association	 (a) Purchase equipment as outlined in the fitness center MOA. (b) Establish equipment maintenance schedule and/or contract. 	 (a) Minimum staffing would require personnel at front desk for access control. Additional staffing recommended for equipment instruction as well as persons trained to respond to medical emergencies. (b) If no staffing then key card access control is required allowing individuals access only after signing liability waiver. It is recommended that employee associations contract with a qualified fitness company for the staffing and management of the fitness center. 	 (a) Due to the expertise required in this area, building custodial staff is unable to perform specialized cleaning requirements (see attachment I) for fitness center equipment and therefore this must be done by a separate qualified Contractor. Non-technical, above standard cleaning such as providing shower curtains, shower gel, etc. can be accomplished through an RWA. (b) Employee associations may collect membership dues from individual employees for the operational costs of fitness center.
Managed by A Single Tenant Agency (i.e. sole tenant, lead or anchor tenant)	 (a) Tenant agency purchases equipment and establishes maintenance schedule as outlined in fitness center MOA. (b) GSA may assist in procurement of equipment through an RWA, however maintenance and documentation of services for equipment must be managed by participating tenant agencies as outlined in fitness center MOA. 	 (a) Minimum staffing would require personnel at front desk for access control. Additional staffing recommended for equipment instruction as well as persons trained to respond to medical emergencies. (b) If agency does not provide staffing then access control measures must be in place to limit only authorized employees the use of fitness center after they sign a liability waiver. 	 (a) Due to the expertise required in this area, building custodial staff is unable to perform specialized cleaning requirements (see attachment I) for fitness center equipment and therefore this must be done by a separate qualified Contractor. Non-technical, above standard cleaning such as providing shower curtains, shower gel, etc. can be accomplished through an RWA. (b) Federal agencies are not allowed to collect membership dues from their employees except in special circumstances. See OPM's guidance.

Unmanaged Fitness Facility	(a) Must have process in place for purchasing equipment	(a) Must have system in place to manage access to facility	(a) Due to the expertise required in this area, building custodial staff is unable to perform specialized cleaning
NOT RECOM- MENDED	 (b) Must have process in place for managing maintenance of fitness equipment. GSA does not purchase or maintain equipment for fitness facilities unless they are the anchor tenant or a participating agency in a 	(b) Must ensure users have signed liability waiver.	requirements (see attachment I) for fitness centers and therefore this must be done by a separate qualified Contractor. Non-technical, above standard cleaning such as providing shower curtains, shower gel, etc. can be accomplished through an RWA.
	joint use fitness facility. In this case GSA may purchase or contribute funds towards the purchase of equipment as outlined in a fitness center MOA in support of employee health and wellness.		(b) Federal agencies are not allowed to collect membership dues from their employees.

Attachment 1: Above Standard Custodial Services

Standard custodial duties for joint-use fitness centers are paid for as joint use charges back to the tenant agencies in the building. However, above standard cleaning as described below is not included and a system for providing and paying for above standard custodial needs to be described in the fitness center MOA.

If the fitness center is unmanaged and an RWA is utilized for above standard custodial the MOA must specify who would initiate and pay for the RWA and ensure that the services are provided by a company experienced in the specialized cleaning requirements of a fitness facility i.e. cleaning pulleys and moving parts of fitness equipment or moving fitness equipment such as treadmills to clean underneath. Due to the expertise required in this area, building custodial staff is unable to perform specialized requirements for fitness centers and therefore this must be done by a separate Contractor.

If the fitness center is managed these tasks are best achieved by incorporating them into the FOH or employee association fitness center contract.

Standard Custodial Tasks for Fitness Centers

- Clean floors where floor area is not encumbered, vinyl seating and dusting as outlined in custodial spec. Does not include cleaning or dusting under the fitness equipment or light weight items such as mats or balance balls.
- Bathrooms in fitness centers--as outlined in spec to include stocking paper towels and hand soap where applicable.
- Showers-standard cleaning to include cleaning shower curtains so as to be free of mold and mildew. Does not include the replacement of worn shower curtains or the supply of shower gel.
- Lockers Front of lockers free of dust and streaks. Cleaning and disinfecting inside of lockers is an above standard service. See below.

Above Standard Custodial Tasks for Fitness Centers

- Maintenance of group fitness room floor- if wood will require periodical stripping, buffing, and waxing
- Clean and dust fitness equipment to include free weights, machines, mats, steps, balls etc.
- Clean under equipment such as cardio-vascular equipment, free weights, and circuit machines
- Clean fitness center floor to ceiling mirrors where ladders are required
- Clean and disinfect inside lockers
- Provide replacement shower curtains
- Provide shower gel
- Cloth towel service